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SUBJECT: HUMAN RIGHTS COUNCIL THIRD SPECIAL SESSION: ONCE  
AGAIN CONDEMNS ISRAEL

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#### Summary

1. (U) The Human Rights Council (HRC) concluded its third Special Session November 15 with the passage of a one-sided resolution condemning Israeli military operations in the Occupied Palestinian Territories, especially the death of civilians in Beit Hanoun November 8, by a vote of 32-8-6. The resolution accuses Israel of inflicting collective punishment on Palestinian civilians, and of violating international humanitarian law and human rights law. It also calls for a high-level fact-finding mission to travel to Beit Hanoun. The call for the Special Session was supported by the OIC, Arab League and NAM. The vote was called by Canada. The European Union, which intended to vote no as a unified position, split when France changed to an abstention. General statements from OIC and Arab League members were predictably harsh and condemnatory of Israel, absolving the Palestinian government and Hamas of all blame. Western Group and most GRULAC statements also condemned the events at Beit Hanoun, but called for balance in the Council's handling of the situation and stressed that Hamas and the Palestinian authority were complicit in the increasing violence by attacking Israel. The U.S. statement delivered by the Ambassador can be found on U.S. Mission Geneva's website. End Summary.

#### One Issue Special Sessions

2. (U) In what has become a disturbing trend in the Human Rights Council, the Organization of the Islamic Conference (OIC) and the Arab League used their superior numbers to force the third special session of the Council to condemn Israeli military operations. On this occasion the Non-Aligned Movement (NAM) supported the request for the session. The request, which must be signed by 16 HRC members, was signed by Algeria, Azerbaijan, Bahrain, Bangladesh, Brazil, China, Cuba, Ecuador, Ghana, India, Indonesia, Jordan, Malaysia, Mauritius, Morocco, Nigeria, Pakistan, Philippines, Russia, Saudi Arabia, Senegal, South Africa, Sri Lanka, Tunisia and Zambia. At the urging of the OIC the session was held November 15 limiting the time for preparations and consultations, which point noted by a

handful of delegations in their statements.

13. (U) The OIC tabled a resolution, entitled "Human Rights violations emanating from Israeli military incursions in the Occupied Palestinian Territory including the recent one in Northern Gaza and the assault on Beit Hannoun," (text in para 9), which harshly accused Israel of engaging in collective punishment by "willfully targeting civilians", and violating international humanitarian law, international human rights law. The resolution called for the immediate dispatch of a high level fact-finding mission to be appointed by the HRC president to: 1) assess the situation of victims; 2) address the needs of survivors; and 3) make recommendations on ways and means to protect Palestinian civilians against further Israeli assaults. It also requests the UN Secretary-General and the UN High Commissioner for Human Rights to provide administrative, technical, and logistical assistance to allow the fact-finding team, which would be made up of two-to-four members, to carry out its mission. Finally, it requests that the mission report back to the Council no later than mid-December 2006. Foreshadowing the possibility of fourth special session on the Middle East, the resolution asks that the fact-finding mission report to the HRC "no later than the middle of December 2006." Note: The next regular session of the Council will take place November 27-December 8. Since arrangements for the mission have yet to be made and its membership still to be determined, it is improbable that the group would be in position to report within three weeks. End note.

14. (U) The resolution was co-sponsored primarily by OIC member countries: Algeria, Azerbaijan, Bahrain, Bangladesh, Belarus, Brunei, Chad, Cuba, Egypt, Ghana, Guinea, India, Indonesia, Iran, Jordan, Kuwait, Lebanon, Libya, Mali, Malaysia, Mauritius, Morocco, Nigeria, Oman, Pakistan, Philippines, Qatar, Russia, Saudi Arabia, Senegal, South Africa, Sri Lanka, Sudan, Syria, Tanzania, Tunisia, United

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Arab Emirates, Uzbekistan, Yemen, and Zambia.

15. (U) The vote was as follows:

YES (32) - Algeria; Argentina; Azerbaijan; Bahrain; Bangladesh; Brazil; China; Cuba; Djibouti; Ecuador; Gabon; Ghana; India; Indonesia; Jordan; Malaysia; Mali; Mauritius; Mexico; Morocco; Nigeria; Pakistan; Peru; Philippines; Russia; Saudi Arabia; Senegal; South Africa; Sri Lanka; Tunisia; Uruguay; and Zambia.

NO (8) - Canada; Czech Republic; Finland; Germany; Netherlands; Poland; Romania; and UK.

ABSTAIN (6) - France; Guatemala; Japan; Republic of Korea; Switzerland; and Ukraine.

NOT PRESENT (no vote) - Cameroon.

Increased Support for Session  
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16. (U) In discussions with U.S. Mission, the increased support for the session was explained by many as a reaction to increasing violence in Gaza and the events in Beit Hanoun.

While many acknowledged that Israel had apologized and launched an investigation into the incident, they said it was not enough. They characterized Israel's military operations in Gaza as disproportionate and insufficiently concerned about causing civilian casualties. GRULAC delegations in particular said that had the UN Security Council resolution been approved, they would have reconsidered their support for the one-sided special session resolution. In their explanations of vote (EOV) Argentina, Guatemala, Peru, Brazil (with Ecuador), and Uruguay noted the unbalanced resolution but stressed that Israeli actions were unacceptable. Japan's and France's EOVs also pointed to the one-sided nature of the

resolution and its failure to call to account the Palestinian Hamas-led government for its actions and rejection of negotiations. They also called for the Council to take a more balanced approach by addressing urgent situations throughout the world. Interestingly, a number of delegations who voted for the resolution shared with Mission officers their concerns regarding the damage to the Council's credibility if it continues to deal with only one situation and allows itself to be railroaded by the OIC's agenda.

¶17. (U) The European Union (with Japan) sought, but was rebuffed, to amend the resolution to condemn Hamas' call for terrorists acts against Israel and for the launching of rockets from Gaza against civilian targets in Israel. The OIC's rejection of the amendments was not sufficient, however, to maintain EU unity against the text. The French delegation, which had told us they were a firm no vote, received instructions midday to abstain. We understand that a small number of EU members may have been urging EU support for the resolution, while others remained firmly opposed. Ukraine had instructions to vote no if the EU in unison voted no, otherwise they were to abstain. Japan, concerned about alienating OIC support for the DPRK resolution in Third Committee, opted to abstain. Ambassador Tichenor delivered the U.S. statement, which noted our sorrow at the loss of life in Beit Hanoun, highlighted the Council's failure to deal equitably and fairly with serious human rights situations worldwide, and pointed to Hamas' complicity in the violence.

The U.S.

¶18. (U) A number delegations noted in their general statements the U.S. veto of the UN Security Council resolution. Cuba, Malaysia, Russia, Syria, Venezuela, Costa Rica, North Korea, and Egypt said that the UNSC's failure to adopt a resolution on the situation increased the urgency of having HRC action on the issue. Cuba, Egypt and Syria charged that Israel's lack of restraint was due to U.S. protection as demonstrated by the U.S. veto. The Palestinian observer used the American Revolution and George Washington ("was considered a terrorist") as examples to follow in overthrowing tyranny and even quoted Thomas Payne.

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Resolution Text

¶19. (U) BEGIN TEXT OF RESOLUTION--

"Human Rights Violations emanating from Israeli military incursions in the Occupied Palestinian Territory including the recent one in Northern Gaza and the assault on Beit Hanoun"

The Human Rights Council,

Affirming the applicability of the Fourth Geneva Convention relative to the Protection of Civil Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory including East Jerusalem,

Gravely concerned at the continued violation by the occupying Power, Israel, of the human rights of the Palestinian people in the Occupied Palestinian Territory,

Recognizing that the Israeli military incursions in the Occupied Palestinian Territory, including the recent incursion in Northern Gaza and the assault on Beit Hanoun, constitute a collective punishment of the civilians therein and exacerbate the severe humanitarian crisis in the Occupied Palestinian Territory,

Taking note of the sense of shock expressed by the Secretary

General on the Israeli military operations carried out in Beit Hanoun on November 8;

Emphasizing that the Israeli willful killing of Palestinian civilians including women and children constitutes a gross violation of human rights law and international humanitarian law,

Affirming that under international humanitarian law, the medical personnel and means of transport of the Palestine Red Crescent Society must be protected and respected in all circumstances,

¶1. Expressing its shock at the horror of Israeli killing of Palestinian civilians in Beit Hanoun while asleep and other civilians fleeing earlier Israeli bombardment;

¶2. Condemns the Israeli killing of Palestinian civilians, including women and children, as well as medics in Beit Hanoun and other Palestinian towns and villages, and calls for bringing the perpetrators thereof to justice;

¶3. Denounces the Israeli massive destruction of Palestinian homes, property and infrastructure in Beit Hanoun;

¶4. Expresses its alarm at the gross and systematic violations of human rights of the Palestinian people in the Occupied Palestinian Territory by the occupying Power, Israel, and calls for urgent international action to put an immediate end to these violations including those emanating from the series of incessant and repeated Israeli military incursions therein;

¶5. Calls for immediate protection of the Palestinian civilians in the Occupied Palestinian Territory in compliance with human rights law and international humanitarian law;

5 bis. "Urges all concerned parties to respect the rules of international humanitarian law, to refrain from violence against civilian population and to treat under all circumstances all detained combatants and civilians in accordance with the Geneva Convention of 12 August 1949;

¶6. Decides to dispatch urgently a high-level fact-finding mission to be appointed by the President of the Human Rights Council to travel to Beit Hanoun to inter alia, assess the situation of victims; b) address the needs of survivors; and c) make recommendations on ways and means to protect Palestinian civilians against further Israeli assaults.

¶7. Requests the Secretary-General and the United Nations High

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Commissioner for Human Rights to provide all administrative, technical and logistical assistance required to enable the fact-finding mission to fulfill its mandate promptly and efficiently;

¶8. Requests the fact-finding mission to report to the Council no later than the middle of December 2006 on progress made towards the fulfillment of its mandate.

--END TEXT

TICHENOR